

Werner Wolfgang Rümmer,	)	
	)	
Plaintiff,	)	<b>ORDER ADOPTING REPORT</b>
	)	<b>AND RECOMMENDATION</b>
vs.	)	
	)	Case No. 1:12-cv-020
State of North Dakota, et al.,	)	
	)	
Defendants.	)	

It is further **RECOMMENDED** that Rümmer be allowed to proceed with his claims for deliberate indifference to serious medical needs (Claim Nos. 4, 18-19, 24-26, and 30) and retaliation (Claim No. 16), but only as to defendants: Robyn Schmalenberger, Kathy Bachmeier, Jessica Wilkin, and Dr. John Hagan.

See Docket No. 11, pp. 22-23. Rümmer filed an objection to the Report and Recommendation on April 11, 2012. See Docket No. 12. He also filed an “Appeal From Order & Recommendation Dated March 27, 2012” on November 14, 2012. See Docket No. 20.

The Court has carefully reviewed Judge Miller’s Report and Recommendation, the relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 11) in its entirety and **ORDERS** the following:

- 1) The following claims are **DISMISSED** without prejudice:
  - A. All of Rümmer’s claims on behalf of other inmates (Claim Nos. 22 and 32);
  - B. Rümmer’s claims for damages against defendants in their official capacities;
  - C. Rümmer’s slip and fall claims (Claim Nos. 1-2, 7-15, 21, 23, and 32);
  - D. Rümmer’s claim regarding the “nerve block procedure” (Claim No. 27);
  - E. Rümmer’s claims regarding verbal harassment (Claim Nos. 17 and 25);
  - F. Rümmer’s claims regarding staff’s failure to respond to grievances (Claim No. 28);
  - G. Rümmer’s claim regarding use of taxpayer money (Claim No. 22); and
  - H. Rümmer’s claim regarding wrongful conviction and general safety of the NDSP (Claim No. 5).
- 2) Rümmer shall be allowed to proceed with his claims for deliberate indifference to serious medical needs (Claim Nos. 4, 18, 19, 24, 25, 26, and 30) and retaliation (Claim No. 16), but only as to the following defendants: Robyn Schmalenberger, Kathy Bachmeier, Jessica Wilkin, and Dr. John Hagan.
- 3) The Clerk of Court is directed to serve a copy of the complaint (Docket No. 8) on the remaining defendants which include Robyn Schmalenberger, Kathy Bachmeier, Jessica Wilkin, and Dr. John Hagan.

**IT IS SO ORDERED.**

Dated this 5th day of December, 2012.

/s/ Daniel L. Hovland

Daniel L. Hovland, District Judge  
United States District Court